

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Joseph Lee Brickey, #523061,

Petitioner,

v.

Willie Smith,

Respondent.

Case No. 12-14028

Honorable Nancy G. Edmunds

**ORDER ACCEPTING THE MAGISTRATE JUDGE'S JULY 1, 2013 REPORT AND
RECOMMENDATION [10] AND DENYING PETITIONER A
CERTIFICATE OF APPEALABILITY**

Before the Court is the magistrate judge's July 1, 2013 report and recommendation that the Court grant Respondent's motion for summary judgment [7], deny Petitioner Joseph Lee Brickey's application for the writ of habeas corpus, 28 U.S.C. § 2244, and deny Petitioner a certificate of appealability. The Court is fully advised in the premises and has reviewed the record and the pleadings, and Petitioner's objections. The Court agrees with the magistrate judge's recommendation, and therefore ACCEPTS and ADOPTS the magistrate judge's report and recommendation.

Accordingly, the Court GRANTS Respondent's motion for summary judgment, DENIES Petitioner's application for the writ of habeas corpus, and DENIES Petitioner a certificate of appealability.

SO ORDERED.

s/Nancy G. Edmunds

Nancy G. Edmunds
United States District Judge

Dated: August 7, 2013

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 7, 2013, by electronic and/or ordinary mail.

s/Johnetta M. Curry-Williams

Case Manager

Acting in the Absence of Carol A. Hemeyer